

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CRISTINA ORTIZ and
DAVID PAGAN,

Plaintiffs,

VS.

THE MONEY SOURCE INC.,
and FIRST GUARANTY MORTGAGE
CORPORATION,

Defendants.

Case No. 1:22-cv-1047

Hon. Judge Sharon Coleman
Magistrate Judge Hon. Susan Cox

PLAINTIFFS' MOTION TO WITHDRAW MOTION FOR ENTRY OF DEFAULT

Plaintiffs Cristina Ortiz and David Pagan (“Plaintiffs”) respectfully request to withdraw Plaintiffs’ Motion for Entry of Default, and further request that this Court strike Plaintiffs’ May 11, 2022 deadline to file an affidavit and memorandum in support of damages, attorney’s fees, and costs.

In support of this Motion, Plaintiffs state as follows:

1. On April 14, 2022, Plaintiffs filed Plaintiffs’ Motion for Entry of Default against Defendant First Guaranty Mortgage Corporation (“FGMC”) and an accompanying Notice of Motion. (*Dkt. Nos. 12-13*).

2. On April 14, 2022, Plaintiffs mailed Plaintiffs' Motion for Entry of Default and the Notice of Motion to FGMC's registered agent and office: National Registered Agents Inc., 208 S. La Salle St., Suite 814, Chicago, IL 60604. Plaintiffs also mailed the Motion and Notice to Defendant FGMC's principal place of business: 5800 Tennyson Parkway, #450, Plano, TX 75024.

3. On April 20, 2022, the Court entered a default order against Defendant FGMC and in favor of Plaintiffs Cristina Ortiz and David Pagan, and further ordered that Plaintiff shall file an affidavit and memorandum in support of damages, attorney's fees, and costs, within 21 days, on or before May 11, 2022. (*Dkt. No. 16*).

4. On April 26, 2022, Plaintiffs delivered the Order directly to FGMC's registered agent, in person, and mailed the signed order to Defendant FGMC's registered agent and principal place of business the same day.

5. On May 6, 2022, Defendant FGMC appeared and filed Defendant First Guaranty Mortgage Corporation's Motion to Vacate Default. (*Dkt. Nos. 22-23*).

6. Plaintiffs do not object to Defendant FGMC's Motion to Vacate Default, and accordingly request to withdraw its Motion for Entry of Default.

WHEREFORE Plaintiffs request to withdraw Plaintiffs' Motion for Entry of Default and further request that this Court strike Plaintiffs' May 11, 2022 deadline to file an affidavit and memorandum in support of damages, attorney's fees, and costs.

/s/Carly M. Roman
Carly M. Roman

Daniel A. Edelman
Tara L. Goodwin
Carly M. Roman (formerly Cengher)
**Edelman, Combs, Latturmer
& Goodwin, LLC**
20 S. Clark Street, Suite 1500
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (fax)
courtecl@edcombs.com

CERTIFICATE OF SERVICE

I, Carly Roman, hereby certify that on Monday, May 9, 2022, I caused to be filed the foregoing documents with the Clerk of the Court using the CM/ECF System, which will cause to be served a true and accurate copy of the foregoing documents to all counsel of record:

Mark S. Bernstein
AKERMAN LLP
71 South Wacker Drive, 47th Floor
Chicago, IL 60606
Mark.bernstein@akerman.com
Attorney for First Guaranty Mortgage Corp.

Nathan Hoffman
NELSON MULLINS RILEY & SCARBOROUGH LLP
One Nashville Place, Ste. 1100, 150th Fourth Avenue North
Nashville, TN 37219
Nathan.hoffman@nelsonmullins.com

/s/ Carly Roman
Carly Roman

Daniel A. Edelman
Tara L. Goodwin
Carly M. Roman (formerly Cengher)
**Edelman, Combs, Latturner
& Goodwin, LLC**
20 S. Clark Street, Suite 1500
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (fax)
courtecl@edcombs.com